

HPS-90

April 29, 2005

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **04-4308**

PHILLIP A. DYE

vs.

MICHAEL B. JOSEPH

(D. Del. Civ. No. 04-cv-00386)

Present: SCIRICA, CHIEF JUDGE, WEIS and GARTH, CIRCUIT JUDGES

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect; and
- (2) Appellant's jurisdictional response

in the above-captioned case.

Respectfully,

Clerk

O R D E R

Treating the appellant's motion as a request to withdraw the appeal, the motion is granted and the appeal is dismissed without prejudice.

By the Court,

s/Weis

United States Circuit Judge

Dated: June 1, 2005

tyw/cc: Mr. Phillip A. Dye

Michael B. Joseph, Esq.



Marcia M. Waldron

Marcia M. Waldron, Clerk